

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL J. COLEMAN,)	8:04CV97
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
MARK STOKEY, in his official)	
capacity only; BRYAN EDINS, in his)	
official capacity only; JAMES)	
CARMAN, in his individual and)	
official capacities; THOMAS NESBIT,)	
in his official capacity only; and)	
JOHN DOES 1-10,)	
)	
Defendants.)	

This matter is before the court upon a upon the Report and Recommendation that this matter be dismissed (filing 57). No objections to such Report and Recommendation have been filed, as allowed by 28 U.S.C. § 636(b)(1)(C) and NELR 72.4.

I have reviewed the Magistrate Judge's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1) and NELR 72.4, and I find after de novo review that the Recommendation should be adopted. The Magistrate Judge entered a November 28, 2005 order (filing 55) giving Plaintiff 20 days to obtain counsel, file a motion for the appointment of counsel, or indicate that he will proceed without counsel, and giving notice that noncompliance would lead to dismissal. Plaintiff has failed to comply with that order. Accordingly, pursuant to the terms of the court's prior order (filing

55), Fed. R. Civ. P. 41, and NELR 41.1, the court finds that Plaintiff's claims against the defendants should be dismissed without prejudice.

IT IS ORDERED:

1. The Report and Recommendation (filing 57) is adopted;
2. This case is dismissed without prejudice; and
3. Judgment shall be entered by separate document.

February 1, 2006.

BY THE COURT:

s/Richard G. Kopf
United States District Judge